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May 12, 2010

Delta Stewardship Council
650 Capitol Mall, Fifth Floor
Sacramento, CA 95814

RE: Invitation for Items to be Included in Interim Delta Plan

Dear Council Members:

We appreciate the opportunity to comment on the Interim Delta Plan (IDP). Although the Delta Vision Plan and the Delta Protection Commission's recently updated Resource Management Plan provide many ideas that should form a foundation for the IDP, there are a number of important issues that should also be addressed. These issues fall chiefly into the categories of governance; funding; other State and Federal programs; identification of impacts to existing projects, programs and studies; water rights; and existing contracts and agreements.

Governance

The Delta Stewardship Council, Delta Conservancy, Delta Protection Commission and whoever becomes responsible for implementation of the Central Valley Plan for Flood Protection are key governance entities that should be included in the IDP. The IDP should describe how these groups will work collaboratively and include details such as a requirement that meetings of these groups should not create scheduling conflicts; information should be openly shared between each organization; there should be a joint quarterly (or bi-annual) meeting of the three entities; public meetings of each agency should be available via webcast (for viewing at any time), and there should be a list of standard issues the joint Delta governance group will discuss—ensuring the health of the Delta, identifying future challenges to water quality and quantity, ensuring effective short and long-term funding for each Delta governance entity, effectively integrating outside State and Federal plans ensure the health and well-being of Delta communities. Efforts to closely coordinate the efforts of the three key Delta governance structures should be developed and initiated in the next six months.

Funding

Funding for Delta governance, projects, programs and studies should be a key component of the IDP. Current and long term funding for each segment of the governance structure with linkages to all the legislatively mandated efforts should be included. A thorough recommendation that includes a proposed fee structure should be finalized by the end of this calendar year with input from all groups. By this time the outcome of the bond initiative will be clear and this will give all interested parties an opportunity to comment on the equity and value of any proposed funding strategies.

Other State and Federal Programs

Integration of numerous State and Federal programs such as the Bay Delta Conservation Plan, Central Valley Flood Protection Plan, State Water Plan, U.S. Fish and Wildlife Service Pacific Southwest Region--

the Federal Emergency Management Agency's Flood Map Modernization Program and any other programs in this category should be incorporated into the IDP.

Identification of Impacts to Existing Projects, Programs and Studies

There are numerous existing projects and studies in the Delta that should be identified and integrated into the IDP. These include the Delta Mercury Total Maximum Daily Load, National Heritage Areas, Delta Working Landscapes, Delta Emergency Response and Preparedness, Abandoned Vessel Removal, Primary Zone Study, the Great California Delta Trail, Economic Sustainability Plan (an in-depth analysis of the existing socio-economic structure of Delta communities should be performed to ensure their sustainability that enhances the social and economic prospects of individuals, territories and sectors; identifies unintended consequences and mitigates for damage to the existing structure), Fremont Weir modification, Delta Long Term Management Solutions, Delta Sea Level Rise Study, Two Gates Fish Demonstration Project, to name a few. In addition to existing projects, programs and studies there are recent documents; such as the Delta Risk Management Strategy, the Los Vaqueros Expansion Project, and Contra Costa Water District's Historical Freshwater and Salinity Conditions study that should be considered as the IDP is prepared.

Water Rights

Maintenance of "rule of priority" between and among riparians and appropriators, subject to "rule of reasonable use" and the State's affirmative duty to take the public trust PLUS the County of Origin Protection (Sections 10505, 10505.5), Watershed Protection Act (Sections 11460 – 11463), Protected Areas (Sections 1215 - 1222), and Delta Protection Act (Sections 12202 – 12203) when determining the planning and allocation of water resources.

Existing Contracts and Agreements

Maintenance of the North Delta Water Agency Contract and of Department of Water Resources' "protection facilities" for the Suisun Marsh are among the existing contracts and agreements that need to be included in the IDP.

A formula should be created for the Council to weigh projects. This formula should include the following criteria:

- legislative or political importance of the projects
- the timing of projects to avoid cost overruns or redundancy
- the availability of funding
- impacts or conflicts with existing or proposed projects
- positive and negative project impacts (including socio-economic) should be analyzed, documented (in 1, 5, 10, and 15 year increments) and shared broadly for the benefit of other project mitigation and to ensure long term financial sustainability
- how adaptive management will be incorporated into project development, implementation and evaluation, and a determination made of how much flexibility should be allowed

Lastly, a protocol for handling projects requiring mitigation on behalf of local landowners, communities, and governments should be developed and incorporated into the above formula.

We look forward to working with you on the development of the Interim Delta Plan and other programs that will impact the Delta. If you or your staff have any questions concerning these issues, please contact Kathy Barnes-Jones, Delta Water Program Analyst, at 707-784-7914.

Sincerely,



John M. Vasquez, Chair
Solano County Board of Supervisors